

# HOUSE BILL No. 1589

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-33-8-15; IC 35-46-1-4.5.

**Synopsis:** Improper care of a dependent. Provides that a person having the care of a dependent and who recklessly places the dependent in a situation that jeopardizes the dependent's life or health commits improper care of a dependent, a Class C infraction. Makes the offense a Class C misdemeanor for a second or subsequent offense. Provides that an employee of a local child protection services agency (employee) may issue complaints and summonses for a violation of the improper care of a dependent statute. Establishes qualifications that an employee must meet to be appointed to issue complaints and summonses. Specifies that an employee does not have powers of a law enforcement officer except those needed to enforce the laws concerning the improper care of a dependent statute.

**Effective:** July 1, 2005.

**Pelath**

January 18, 2005, read first time and referred to Committee on Family, Children and Human Affairs.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1589

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 31-33-8-15 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2005]: **Sec. 15. (a) A law enforcement agency authorized to**  
4 **enforce IC 35-46-1-4.5 may appoint an employee of a local child**  
5 **protection services agency under IC 31-33 to issue complaints and**  
6 **summonses for violations of IC 35-46-1-4.5.**

7       **(b) Before an employee described in subsection (a) may issue**  
8 **complaints and summonses under subsection (a), the employee**  
9 **must:**

- 10       **(1) be at least twenty-one (21) years of age;**  
11       **(2) complete a course of instruction concerning the**  
12 **enforcement of IC 35-46-1-4.5 that is conducted by the**  
13 **appointing law enforcement agency;**  
14       **(3) after successfully completing the course of instruction,**  
15 **obtain a certificate from the executive authority of the**  
16 **appointing law enforcement agency; and**  
17       **(4) satisfy any other qualifications established by the**



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1 appointing law enforcement agency.

2 (c) The executive authority of a law enforcement agency that  
3 appoints an employee described in subsection (a) shall file a copy  
4 of each certificate issued under subsection (b)(3) with the  
5 prosecuting attorney having jurisdiction over the area served by  
6 the law enforcement agency.

7 (d) A complaint and summons issued by an employee described  
8 in subsection (a) has the same force and effect as a complaint and  
9 summons issued by a law enforcement officer for the same  
10 violation.

11 (e) An employee described in subsection (a) does not have  
12 powers of a law enforcement officer except those powers granted  
13 under this section.

14 (f) The executive authority of a law enforcement authority that  
15 appoints an employee described in subsection (a) may, at any time,  
16 revoke the certificate issued to the employee under subsection  
17 (b)(3). If a certificate is revoked under this subsection:

18 (1) the executive authority shall notify the prosecuting  
19 attorney where the certificate was filed under subsection (c)  
20 of the revocation; and

21 (2) the employee's powers under this section terminate  
22 immediately upon the revocation.

23 (g) A property owner is not liable for any property damage or  
24 personal injury resulting from the actions of an employee  
25 described in subsection (a) in issuing a complaint and summons.

26 SECTION 2. IC 35-46-1-4.5 IS ADDED TO THE INDIANA CODE  
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
28 1, 2005]: Sec. 4.5. (a) A person having the care of a dependent,  
29 whether assumed voluntarily or because of a legal obligation, who  
30 recklessly places the dependent in a situation that jeopardizes the  
31 dependent's life or health commits improper care of a dependent,  
32 a Class C infraction.

33 (b) The offense described in subsection (a) is a Class C  
34 misdemeanor for a second or subsequent offense.

35 (c) If a person is found to have committed the offense under this  
36 section, the court may require the person to attend counseling.

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